# CWA Section 319 Program and Agriculture

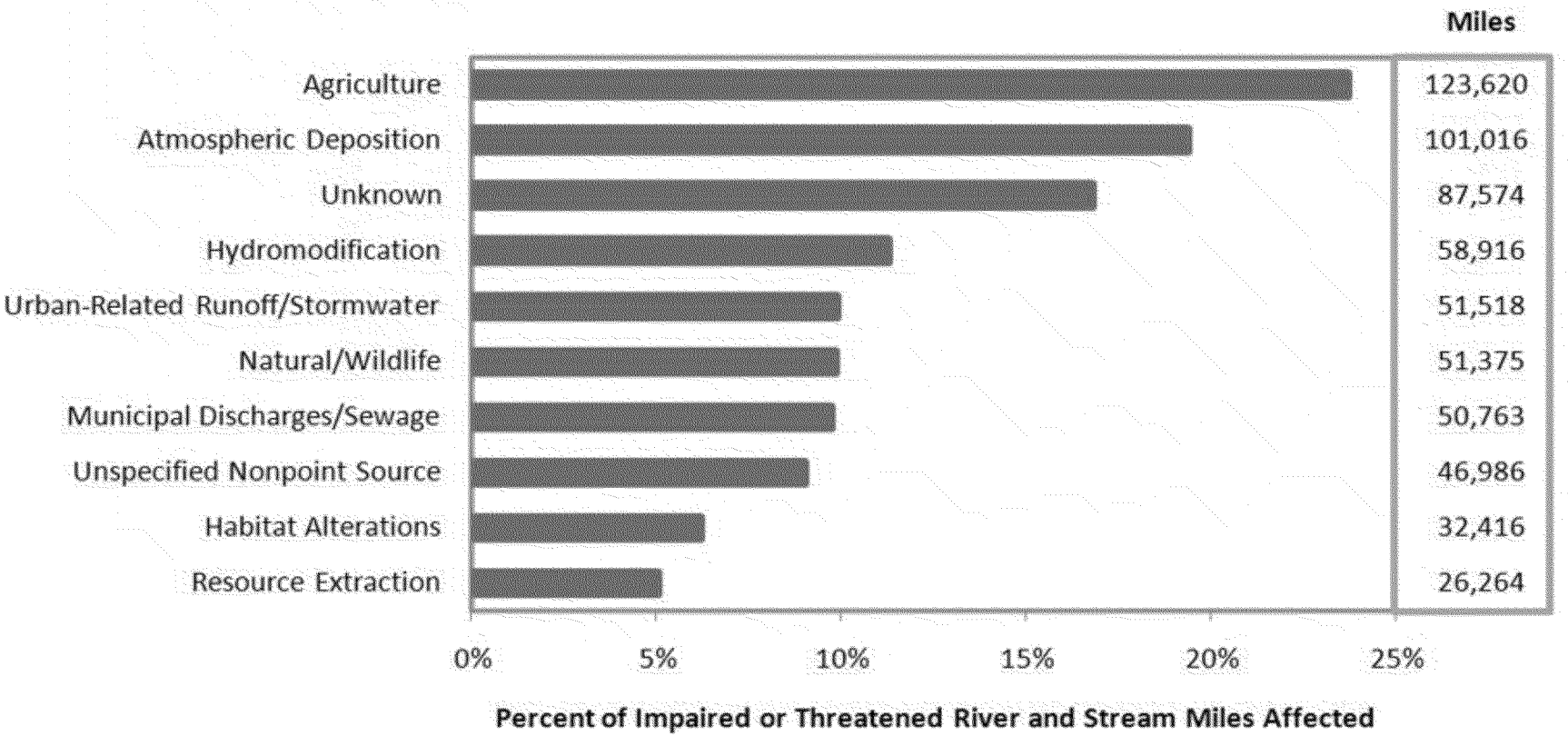
Briefing for Sarah Bittleman

July 12, 2013

# Agenda

- Overview of NPS pollution and 319 program
- 319 program coordination with USDA – NWQI
- Recent program changes and drivers
- New 319 grants guidelines
- Ag stakeholder comments on guidelines
- Next steps for national 319 program

# Nonpoint Sources Dominate the Nation's Impaired Waters




(Source: Draft CWA 305(b) National Water Quality Inventory: Report to Congress, 2010 Reporting Cycle)

# Agriculture and the Clean Water Act

* Point Sources are defined by the CWA as conveyances that discharge: pipe, ditch, channel, conduit, well, container, rolling stock, concentrated animal feeding operations (CAFOs), etc. (NPDES)
  - Specific exemptions: agriculture stormwater discharge and irrigation return flows
  - CAFOs are the only agricultural point sources; federal regulations in place since the 1970s, updated first in 2003
  - 0.4% of all farms have an NPDES permit

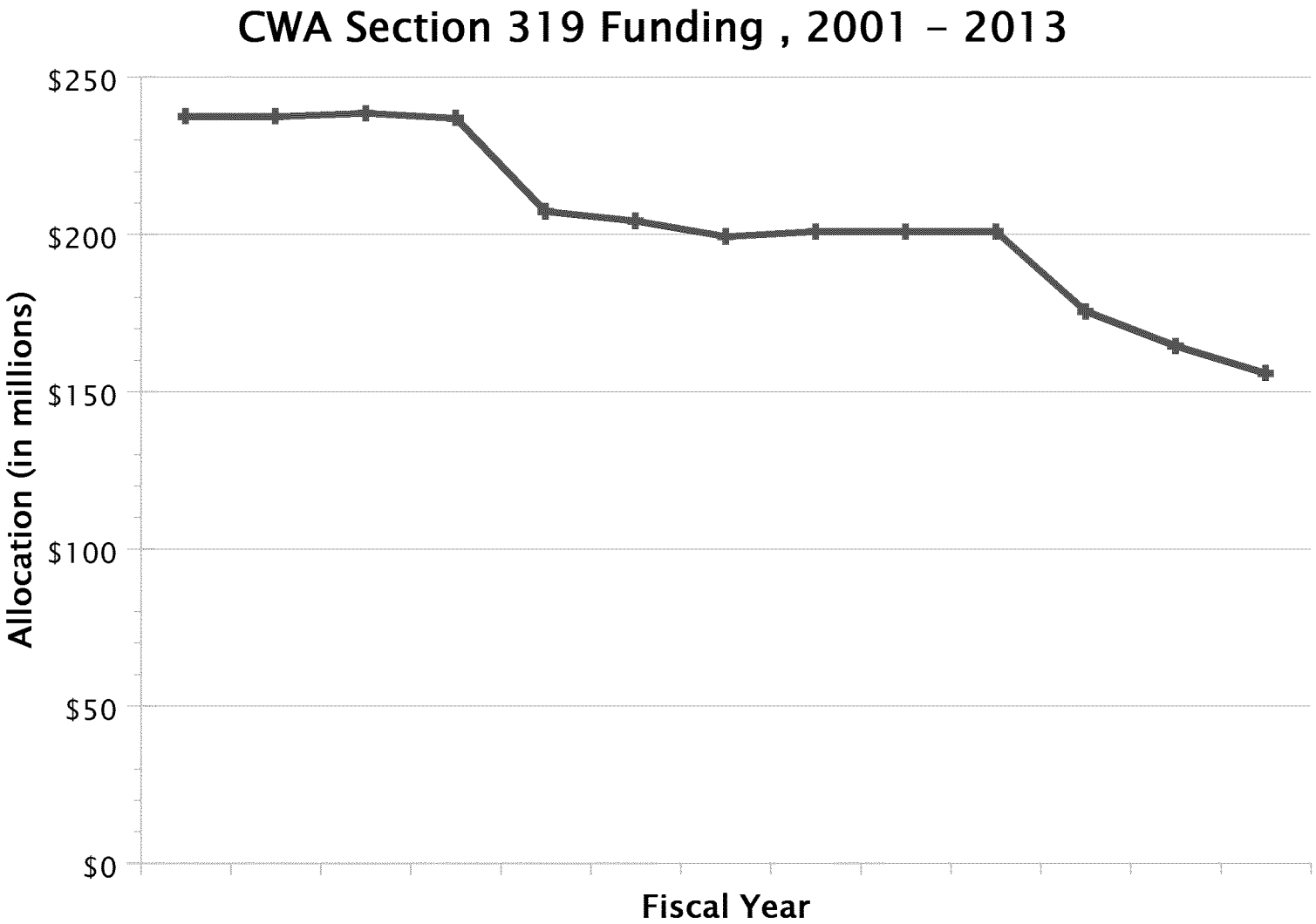
* Nonpoint Sources (§319)
  - Not specifically defined under the CWA—anything that is not regulated as a point source
  - Everything in agriculture except for CAFOs

# Goals of CWA 319 Program

- Improve and maintain water quality
- Achieve state water quality standards by addressing NPS pollution sources
- Key measure of program success = waters removed from 303(d) list
  - "319 Success Stories" – 447 to date
- How: on-the-ground watershed projects, planning, education, technical assistance, state-level staffing and programs, local staff
- § 319 does not authorize federal regulation or require state regulation

# Section 319 Funds

- Distributed to states via allocation formula; states add 40%
- Many States leverage more funds, e.g., from state Ag and USDA programs
- 319 funds usually go to state water quality agency (DEP, DEQ), sometimes Ag or natural resource agency
  - Use of funds directed by *Nonpoint Source Program and Grant Guidelines* which require funds be split 50/50:
  - **NPS program funds** support an array of eligible activities
    - Statewide regulatory and nonregulatory programs/staff
    - Prioritize watersheds for implementation
    - Develop TMDLs and watershed-based plans
    - Monitor for NPS pollutants and sources
  - **Watershed project funds** support on-the-ground projects, including local staff to guide and implement; projects


CWA Section 319 Funding , 2001 - 2013
$250
$200
$150
$100
$50
$0
Allocation (in millions)
Fiscal Year

# 319 Example Projects and Activities

- Green infrastructure: e.g., rain gardens and pervious pavement to reduce urban runoff
- Repair failing septic systems
- State programs for riparian buffers, forest road BMPs, stream restoration
- Technology demonstrations
- Ag: state programs for manure transport, nutrient management
- Ag: watershed plans for addressing runoff from row crops, animal operations, etc.

# Watershed Based Plans –

## A Roadmap for Water Quality Results

- 319 watershed projects must be guided by watershed-based plan (WBP)
- WBPs outline
  - Pollutant loads and sources
  - Practices needed to reduce loads and "critical areas" where practices will have greatest impact
  - Progress measures and monitoring results
- USDA CEAP, EPA NPS Monitoring Program show this approach much more likely to improve water quality

# 319 and USDA conservation programs…

- **Are complementary**
  - Shared goals
  - Rely on voluntary actions by landowners
  - Fueled by partnerships at the local level
  - Deliver enhanced results when they work together – many 319 success stories involve collaboration with USDA
- In 2011, half of state agencies reported active, ongoing collaboration with NRCS
- **Great opportunity** to enhance coordination to improve water quality outcomes and efficiently use federal resources

# 319 and USDA Programs Working Together

- **West Virginia: North Fork Potomac**
  - Several streams on 303(d) list due to high bacteria levels primarily from runoff from beef and poultry operations. Cleanup activities began in 1993; **319 grants** supported state staff and **NRCS** supported projects and assisted in developing a watershed plan.
- **Minnesota: Sauk River Chain of Lakes**
  - An interconnected system of 14 bay-like lakes on the 303(d) list for phosphorus impairments, primarily from row crop and livestock operations and discharges from on-site septic systems.
  - More than 5,000 acres were enrolled in USDA-FSA CRP. Since 1999, the **NRCS EQIP program provided funding** to implement conservation practices. **319 grants** assisted farmers with conservation practice installation and septic system maintenance.
- **Utah: Upper Little Bear River**
  - The River was on the 303(d) list primarily from excess phosphorus in agricultural runoff. **319 grants** assisted riparian area grazing management and streambank stabilization. **USDA-NRCS funds** provided technical assistance to plan, design, implement conservation practices and evaluate their effectiveness.

# National Water Quality Initiative

## Background and FY12

- **NWQI**: NRCS invests 5% of EQIP financial assistance funds in priority watersheds – chosen with input from water quality agency – focusing on practices that reduce nutrients, sediment. State agencies invest to monitor waters over time, assess if NRCS practices improved water quality.
- NRCS launched in FY12, devoting ~$37M in EQIP funds
- 154 priority watersheds selected
  - Watershed selection very rushed
  - 64% were recommended by state WQ agencies
- Despite generally good results, in a dozen states USDA did not select any watersheds recommended by WQ

# FY13 NWQI

- In FY13, 5% of EQIP with option for State Conservationist to increase
- Watershed selection process provided more time for collaboration; states and NRCS were "primed" from last year
- Program the same as FY12 with two changes: pathogens added as priority pollutant, more focus on drinking water sources
- Total of 165 watersheds selected in 51 states/territories, net increase of 11
- In every state, one or more watersheds were recommended by state WQ agency
- USDA views NWQI as long term investment
- Watersheds should be fairly stable over next few years, until all high priority lands are treated or landowner interest wanes

# NWQI Tracking and Monitoring

- Tracking progress and monitoring water quality results important to OMB, EPA and USDA
- Recent 319 grant guidelines require states conduct in-stream monitoring
  - One NWQI watershed per state
  - Where water quality changes are likely (within 5-7+ years) and where states have sufficient information on conservation practices to inform monitoring.
- States are charged with assessing whether conservation practices are improving water quality. To do so cost-effectively, good communication will be needed between state and NRCS counterparts.
- NRCS will contract for edge of field monitoring in several NWQI watersheds, tracking water quality impacts at the field level,
- NRCS will use qualitative index WQIAg (Ag Runoff) to gauge pre-and post-farm level runoff in one NWQI watershed per state

# Other Cooperative Efforts with NRCS

* Gulf of Mexico Initiative (GOMI)
  - USDA funds up to $50M; 16 watersheds in AL, FL, LA, MS, TX

* Mississippi River Basin Initiative (MRBI)
  - USDA funds up to $340M; 642 priority watersheds in 13 MRB states

* Region 5-Great Lakes Office: Great Lakes Restoration Initiative (GLRI)
  - EPA funds $475M to 8 GL states, some funds to NRCS for water quality focused conservation practices

* Hypoxia Task Force

* 2012 White House Rural Council Roundtable
  - Focus on successful 319/USDA collaborations and what makes

# Recent Changes to 319 Program

- In April 2013, EPA finalized new 319 grant guideline following extensive engagement with states and a public comment period
- Drivers for change included OMB, 2011 internal program review, and 2012 GAO report
- Many changes focus on enhanced program and grants management by the states
  - e.g., Updated NPS Management Plans to guide work

# Recent Changes to 319 Program

- Keep focus on restoring impaired waters with ability to protect healthy waters
- 50% of funds must go to watershed project implementation
- Increase resource leveraging, program coordination
  - USDA – NWQI
  - Encourage NPS/TMDL program coordination by requiring 319-funded TMDLs to have supplemental information

# Comments from Ag Stakeholders Draft 319 Guidelines

- We received public comments from ~ 80 agencies/groups from all sectors
- We heard from some state agricultural agencies as well as:
  - Conservation districts (e.g., NACD),
  - Cattlemen's associations (e.g., NCBA)
  - One set of late comments from 13 Ag/forestry interests including AFBF
- Webinar provided for Ag FACA Sept. 2012

# Comments from Ag stakeholders

- NACD and other conservation districts:
  - Strong support for 319 program and efforts to coordinate with USDA; request for EPA/Congress to restore funding levels
  - Support greater emphasis on monitoring.
- NCBA
  - Also supportive of 319 program
  - Requests max flexibility for states to determine use of 319 funds
- Farm Bureau, et al
  - Acknowledge importance of 319 program
  - Want more flexibility in how states use funds
  - Questions about 319-funded TMDL provision

# Next Steps for 319 Program

- NWQI monitoring – work closely with NRCS, EPA regions, states
- Implement new 319 guidelines beginning FY14
- Communicate successes of 319 program to public, stakeholders, oversight agencies
- Explore additional opportunities to partner with USDA programs

# 319 Program Measures

## NPS Success Story Web Site

http://water.epa.gov/polwaste/nps/success319/

Section 319 Nonpoint Source Success Stories | Nonpoi...

United States Environmental Protection Agency

LEARN THE ISSUES | SCIENCE & TECHNOLOGY | LAWS & REGULATIONS | ABOUT EPA

Advanced Search | A–Z Index | SEARCH

### Water: Nonpoint Source Success Stories

Contact Us | Share

You are here: Water » Pollution Prevention & Control » Polluted Runoff » Section 319 Nonpoint Source Success Stories

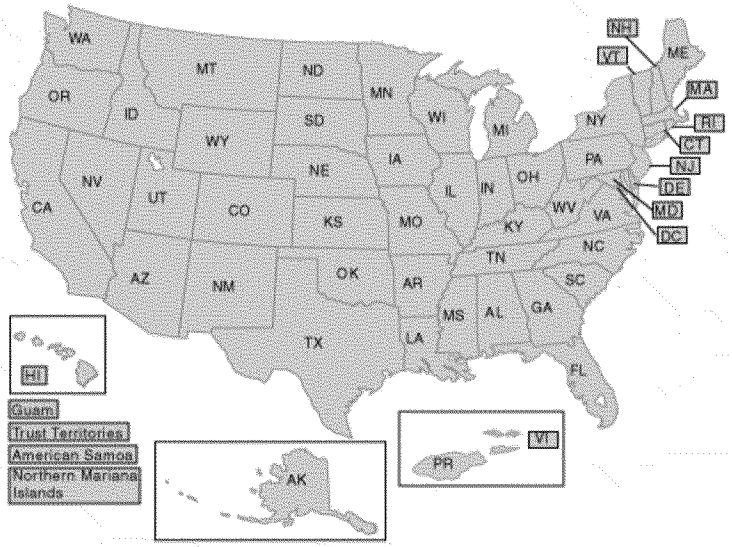
- Water Home
- Drinking Water
- Education & Training
- Grants & Funding
- Laws & Regulations
- Our Waters
- Pollution Prevention & Control
  - Applications & Databases
  - Green Infrastructure/ Low Impact Development
  - Impaired Waters & TMDLs
  - Permitting (NPDES)
  - Polluted Runoff
  - Sediments
  - Source Water Protection
  - Stormwater
  - Vessel Discharge
  - Wastewater Programs

## Section 319 Nonpoint Source Success Stories

This **Section 319 Nonpoint Source Success Stories** Web site features stories about primarily nonpoint source–impaired waterbodies where restoration efforts have led to documented water quality improvements. **Waterbodies are separated into three categories of stories,** depending on the type of water quality improvement achieved:

- Stories about partially or fully restored waterbodies
- Stories that show progress toward achieving water quality goals
- Stories about ecological restoration

To find stories, either follow the story category links above or choose a state from the map.




**First-time visitors:**
Do you need more information about Success Stories?
Do you need more guidance for using this site?
Visit our Basic Information page for answers.

### Featured Stories

| Partially or Fully Restored Waterbodies |
| --- |
| 339 (Click number for details) |

Internet